



House of Representatives

General Assembly

File No. 455

February Session, 2000

House Bill No. 5827

House of Representatives, April 5, 2000

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

An Act Concerning Indemnification Provisions Void As Against Public Policy.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 52-572k of the general statutes is repealed and the following
2 is substituted in lieu thereof:

3 [(a)] Any covenant, promise, agreement or understanding entered
4 into in connection with or collateral to a contract or agreement [relative
5 to the construction, alteration, repair or maintenance of any building,
6 structure or appurtenances thereto including moving, demolition and
7 excavating connected therewith,] that purports to indemnify or hold
8 harmless the promisee against liability for damage arising out of
9 bodily injury to persons or damage to property caused by or resulting
10 from the sole negligence of such promisee, [his] or such promisee's
11 agents or employees, is against public policy and void, provided this
12 section shall not affect the validity of any insurance contract, workers'
13 compensation agreement or other agreement issued by a licensed

14 insurer.

15 [(b) The provisions of this section shall apply to covenants,
16 promises, agreements or understandings entered into on or after the
17 thirtieth day next succeeding October 1, 1977.]

JUD Committee Vote: Yea 39 Nay 1 JF

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: See Explanation Below

Affected Agencies: Judicial Department

Municipal Impact: None

Explanation**State Impact:**

The bill would result in an indeterminate impact on the court system. The indemnification provisions changed by the bill could affect the quantity and extent of litigation before the courts. The direction of change and extent to which this may occur is unknown.

OLR Bill Analysis

HB 5827

AN ACT CONCERNING INDEMNIFICATION PROVISIONS VOID AS AGAINST PUBLIC POLICY.**SUMMARY:**

The bill declares void and against public policy any contract or agreement that relieves a person from liability for damages arising out of bodily injury to persons or damage to property caused by or resulting solely from his negligence or his agents' or employees' negligence. Current law only makes these contracts or agreements void in connection with construction, maintenance, and similar contracts.

The bill does not affect the validity of any insurance contract, workmen's compensation agreement, or other agreement issued by a licensed insurer.

The bill does not specify whether it applies to existing contracts.

EFFECTIVE DATE: October 1, 2000

BACKGROUND***Related Case law***

The Superior Court recently held that an agreement relating to liability at a wedding reception that relieved someone from liability for his own negligence was valid. The provision was challenged as violating public policy. The case involved an injury sustained at a wedding reception when someone fell and suffered injuries on a stairway owned and controlled by the party who was relieved from liability by the agreement (*Degeralomo v. AL and SAL Caterers, Inc.* 1998 WL 638475 (1998)). The court relied on an earlier Appellate Court decision that upheld the validity of a contractual provision that relieved a car lessor from its own negligence (*Burkle v. Car and Truck Leasing Company, Inc.*

1 Conn. App. 54 (1983)).

Related Law – Retroactivity

No provision of law that imposes any new obligation on any person or corporation may be interpreted to have a retrospective effect unless the legislature clearly and unequivocally intends it to (CGS § 55-3; *Adams v. Barbieri* 143, Conn. 405 (1956)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 39 Nay 1